

# United States Senate

WASHINGTON, DC 20510

COMMITTEES:  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
FOREIGN RELATIONS  
SELECT COMMITTEE ON INTELLIGENCE  
SMALL BUSINESS AND  
ENTREPRENEURSHIP

October 6, 2016

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear President Obama:

As Hurricane Matthew bears down on Florida, I urge you and your administration to conduct an immediate and thorough review of all existing federal regulations that can be relaxed in order to facilitate hurricane relief efforts. As a resident of a state that has experienced several hurricanes and tropical storms in the past, I know firsthand that there are few things as frustrating to people as confronting a natural disaster while also having to navigate a complex web of excessive and overly burdensome federal regulations when survival, recovery and assisting others are the immediate priorities.

During a crisis like Hurricane Matthew, it's critically important that individuals, businesses, local governments and others are not impeded in their hurricane response efforts by burdensome regulations that exacerbate problems.

This regulatory review should be administration-wide, look at every single department and agency, and every page of the 80,000-plus page Federal Register. These regulations could include but are not limited to:

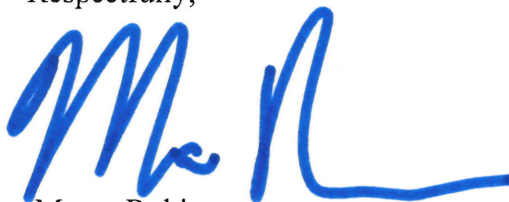
- Internal Revenue Service (IRS) rules restricting early withdrawals from 401(k) and other retirement accounts. In the aftermath of Hurricane Sandy, the IRS suspended early withdrawal penalties and restrictions, enabling victims to tap their retirement accounts to help pay for storm-related costs. I encourage the IRS do the same for Hurricane Matthew victims.
- U.S. Department of Health and Human Services (HHS) regulations, including those affecting the Annual Election Period for Medicare, when seniors can change their Medicare health or prescription drug coverage. In the aftermath of Hurricane Sandy in 2012, the Centers for Medicare and Medicaid Services (CMS) extended the enrollment deadline for victims. Given that this open enrollment period is not scheduled to begin until October 15, 2016, I urge you to open it early, so that seniors with new medical needs arising from this hurricane can change their plans without delay, and to also extend the period of open enrollment as necessary. Furthermore, I urge HHS to exercise its authority in granting waivers that would allow medical facilities to treat more patients in the short-term. For example, in the wake of Hurricane Sandy, CMS granted blanket waivers affecting skilled nursing providers, allowing long-term care facilities to process certified bed increases and easing certain data transmission requirements.

- U.S. Federal Aviation Administration (FAA) rules affecting commercial drones. While the FAA loosened its rules on commercial drone use earlier this year, the agency still requires “commercial drone operators to register their devices online and operators must pass an exam. ... Other changes in FAA rules require all commercial drone flights to take place in daylight and all drones must remain within view of the operator,” as reported by the Florida Times-Union. Given the logistical impediments expected to arise in the aftermath of Hurricane Matthew, I urge your administration to explore any way these rules can be temporarily and safely lifted in order to facilitate emergency relief efforts, such as helping victims obtain medications when the roads to their homes are blocked.
- U.S. Department of Veterans Affairs (VA) rules affecting veterans’ benefits. The 2014 VA reform law authorized veterans to receive federal benefits at non-VA providers closer to home when they previously could only receive them at government-run medical facilities. Since you signed that bill into law, there has been some progress in providing veterans with more health care options, but more can be done. As our state’s veterans deal with Hurricane Matthew, I urge you to ensure they do not encounter unnecessary hurdles in seeking care and having it paid for. This is especially critical for Floridians in the Panhandle and other rural areas who already have to drive several hours to receive the care they need, a situation that will only worsen as roads and highways become restricted by debris, flooding, traffic and other emergency response needs.
- U.S. Department of Labor (DOL) regulations, including recently-implemented overtime rules. In the aftermath of this storm, small businesses and others providing relief services will likely be severely strained as they struggle to deal with its devastating impact. While workers undoubtedly deserve to be paid for their work, I encourage you to provide whatever flexibility you can to ensure the reporting requirements of such labor regulations do not paralyze businesses and workers whose most immediate priority should be providing assistance.
- U.S. Department of Housing and Urban Development (HUD) regulations, including rules affecting homeowners and displaced residents. I urge you to take special account of residents who live in HUD-funded properties – including thousands of Floridians trapped in already-dilapidated Global Ministries Foundation-owned properties – and make sure there is a safety net in place to prevent them from being forced back into living conditions made even more unsafe and unsanitary by Hurricane Matthew.
- U.S. Department of Agriculture (USDA) rules affecting the Supplemental Nutrition Assistance Program (SNAP), including an indefinite freeze on the proposed rule that would force stores accepting food stamps to offer more food choices. This rule would affect thousands of smaller convenience stores in Florida that participate in the program and potentially restrict access to basic necessities in the aftermath of Hurricane Matthew.

These examples are by no means an exhaustive list, and I urge you and your administration to conduct a thorough review to ensure no federal regulation places excessive burdens on the people being impacted by this storm and those they will be relying on for help in the days ahead.

Finally, in addition to identifying ways like these where you can use existing presidential authorities to provide relief, I request that you work immediately with my office and the state to help identify any other necessary disaster relief that would require congressional action.

Respectfully,

A handwritten signature in blue ink, consisting of stylized initials 'MR' followed by a long horizontal stroke.

Marco Rubio  
United States Senator